

AMITY, COMMERCE, AND NAVIGATION

*Treaty, with additional article, signed at México April 5, 1831; protocols signed at México September 17 and December 17, 1831, supplementing and amending the treaty*¹

Ratified by Mexico January 14, 1832

Senate advice and consent to ratification March 23, 1832

Ratified by the President of the United States April 4, 1832

Ratifications exchanged at Washington April 5, 1832

Entered into force April 5, 1832

Proclaimed by the President of the United States April 5, 1832

*Revived (except additional article) by treaty of February 2, 1848*²

*Article 33 abrogated June 30, 1854, by treaty of December 30, 1853*³

*Terminated November 30, 1881*⁴

8 Stat. 410; Treaty Series 203⁵

The United States of America and the United Mexican States desiring to establish upon a firm basis the relations of friendship that so happily subsist between the two Republics have determined to fix in a clear and positive manner the rules which shall in future be religiously observed between both, by means of a Treaty of Amity, Commerce and Navigation. For which important object the President of the United States of America has appointed Anthony Butler a Citizen of the United States and Chargé d'Affaires of the United States of America near the United Mexican States with full powers. And the Vice President of the United Mexican States in the exercise of the Executive power having conferred like full powers on his Excellency Lucas Alaman Secretary of State for home and foreign Affairs, and his Excellency Raphael Mangino Secretary of the Treasury. And the aforesaid Plenipotentiaries after having compared and exchanged in due form their several powers as aforesaid have agreed upon the following Articles.

ARTICLE 1st

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the United States of America and the United Mex-

¹ The text printed here is the amended text as proclaimed by the President.

² TS 207, *post*, p. 791.

³ TS 208, *post*, p. 812.

⁴ Pursuant to notice of termination given by Mexico Nov. 30, 1880.

⁵ For a detailed study of this treaty, see 3 Miller 599.

ican States in all the extent of their possessions and Territories and between their people and Citizens respectively without distinction of persons or places.

ARTICLE 2nd

The United States of America and the United Mexican States desiring to take for the basis of their Agreement the most perfect equality and reciprocity engage mutually not to grant any particular favor to other Nations in respect of Commerce and Navigation which shall not immediately become common to the other party; who shall enjoy the same freely, if the concession was freely made, or upon the same conditions if the concession was conditional.

ARTICLE 3^d

The Citizens of the two Countries respectively shall have liberty freely and securely to come with their vessels and cargoes to all such places ports and Rivers of the United States of America and of the United Mexican States to which other Foreigners are permitted to come; to enter into the same, and to remain and reside in any part of the said Territories respectively; also to hire and occupy houses and Warehouses for the purposes of their Commerce, and to trade therein, in all sorts of produce, manufactures and Merchandize,⁶ and generally the Merchants and Traders of each nation shall enjoy the most complete protection and security for their Commerce.

And they shall not pay higher or other duties imposts or fees whatsoever than those which the most favored Nations are or may be obliged to pay, and shall enjoy all the rights, privileges and exemptions with respect to Navigation and Commerce which the Citizens of the most favored Nation do or may enjoy; but subject always to the Laws, usages, and Statutes of the two Countries respectively.

The liberty to enter and discharge the vessels of both Nations of which this article treats, shall not be understood to authorize the coasting trade, which is permitted to National vessels only.

ARTICLE 4th

No higher or other duties shall be imposed on the importation into the United Mexican States of any article the produce growth or manufacture of the United States of America, than those which the same or like articles the produce growth or manufacture of any other foreign Country do now or may hereafter pay, nor shall articles the produce growth or manufacture of the United Mexican States be subject on their introduction into the United States of America to higher or other duties, than those which the same or like articles of any other foreign country do now or may hereafter pay.

Higher duties shall not be imposed in the respective States on the exportation of any article to the States of the other contracting party, than those

⁶ See also protocol of Sept. 17, 1831, p. 778.

which are now or may hereafter be paid on the exportation of the like articles to any other foreign Country; nor shall any prohibition be established on the exportation or importation of any article the produce, growth or manufacture of the United States of America or of the United Mexican States respectively, in either of them which shall not in like manner be established with respect to other foreign Countries.

ARTICLE 5th ⁷

No higher or other duties or charges on account of tonnage, light or harbor dues, pilotage, salvage, in case of damage or Shipwreck, or any other local charges shall be imposed, in any of the Ports of Mexico on Vessels of the United States of America, than those payable in the same ports by Mexican Vessels; nor in the ports of the United States of America on Mexican Vessels than shall be payable in the same ports on Vessels of the United States of America.

ARTICLE 6th ⁷

The same duties shall be paid on the importation into the United Mexican States of any article the growth, produce or manufacture of the United States of America, whether such importation shall be in Mexican Vessels or in Vessels of the United States of America; and the same duties shall be paid on the importation into the United States of America, of any article the growth produce or manufacture of Mexico, whether such importation shall be in Vessels of the United States of America or in Mexican Vessels. The same duties shall be paid, and the same bounties and drawbacks allowed on the exportation to Mexico, of any articles the growth, produce or manufacture of the United States of America, whether such exportation shall be in Mexican Vessels or in Vessels of the United States of America; and the same duties shall be paid, and the same bounties and drawbacks allowed on the exportation on any articles the growth produce or manufacture of Mexico to the United States of America whether such exportation shall be in Vessels of the United States of America or in Mexican Vessels.

ARTICLE 7th ⁸

All merchants, Captains, or Commanders of Vessels, and other Citizens of the United States of America shall have full liberty in the United Mexican States, to direct or manage themselves their own affairs, or to commit them to the management of whomsoever they may think proper, either as broker, factor, agent or interpreter; nor shall they be obliged to employ for the aforesaid purposes any other persons than those employed by Mexicans, nor to pay them higher salaries, or remuneration than such as are in like cases paid by Mexicans: and absolute freedom shall be allowed in all cases to the buyer

⁷ See also additional article, p. 777.

⁸ See also protocol of Sept. 17, 1831, p. 778.

and seller to bargain and fix the prices of any goods wares or Merchandize imported into or exported from the United Mexican States as they may think proper; observing the Laws usages and customs of the Country. The Citizens of Mexico shall enjoy the same privileges in the States and Territories of the United States of America, being subject to the same conditions.

ARTICLE 8th

The Citizens of neither of the contracting parties shall be liable to any embargo, nor shall their Vessels, cargoes, Merchandize or effects, be detained for any Military expedition nor for any public or private purpose whatsoever without a corresponding compensation.

ARTICLE 9th

The Citizens of both Countries respectively shall be exempt from compulsory service in the Army or Navy; nor shall they be subjected to any other charges or contributions or Taxes than such as are paid by the Citizens of the States in which they reside.

ARTICLE 10th

Whenever the Citizens of either of the Contracting parties shall be forced to seek refuge or asylum in the Rivers, bays ports or dominions of the other with their Vessels, whether Merchant or of War, public or private, through stress of weather, pursuit of pirates or enemies they shall be received and treated with humanity, with the precautions which may be deemed expedient on the part of the respective governments in order to avoid fraud giving to them all favor and protection for repairing their Vessels, procuring provisions and placing themselves in a situation to continue their Voyage without obstacle or hindrance of any kind.

ARTICLE 11th

All vessels, Merchandize or effects belonging to the Citizens of one of the Contracting parties which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried into or found in the Rivers, bays, ports or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent Tribunal; it being well understood that the claim shall be made within one year counting from the Capture of said Vessels or Merchandize by the parties themselves or their Attornies, or by the Agents of the respective Governments.

ARTICLE 12th

When any Vessel belonging to the Citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the Coasts

or within the dominions of the other, there shall be given to it all the assistance and protection in the same manner which is usual and customary with the Vessels of the Nation where the damage happens permitting them to unload the said Vessel if necessary, of its merchandize and effects, with the precautions which may be deemed expedient on the part of the respective Governments in order to avoid fraud, without exacting for it any duty impost or contribution whatever untill they be exported.

ARTICLE 13th ⁹

In whatever relates to the succession of Estates either by Will or *ab intestato* disposal of such property of whatever sort or denomination it may be, by sale, donation exchange or testament or in any other manner whatsoever the Citizens of the two contracting parties shall enjoy in their respective States and territories the same privileges, exemptions, liberties and rights, as native citizens, and shall not be charged in any of these respects, with other or higher duties or imposts than those which are now or may hereafter be paid by the Citizens of the power in whose territories they may reside.

ARTICLE 14th

Both the contracting parties promise and engage to give their special protection to the persons and property of the Citizens of each other of all occupations who may be in their territories, subject to the jurisdiction of the one or of the other, transient or dwelling therein, leaving open and free to them the tribunals of Justice for their Judicial recourse, on the same terms which are usual, and customary with the natives or Citizens of the Country in which they may be; for which they may employ in defence of their rights such advocates, Solicitors, Notaries, Agents and Factors as they may judge proper, in all their trials at Law; and the Citizens of either party, or their Agents shall enjoy in every respect the same rights and privileges either in prosecuting or defending their rights of person or of property, as the Citizens of the Country where the cause may be tried.

ARTICLE 15th

The Citizens of the United States of America, residing in the United Mexican States shall enjoy in their houses persons and properties the protection of the Government, with the most perfect security and liberty of conscience: they shall not be disturbed or molested, in any manner on account of their religion so long as they respect the Constitution, the laws and established usages of the Country where they reside; and they shall also enjoy the privilege of burying the dead in places which now are, or may hereafter be assigned for that purpose, nor shall the funerals or sepulchres of the dead be disturbed in any manner nor under any pretext. The Citizens of the United Mexican States shall enjoy throughout all the States and Territories of the

⁹ See also protocol of Sept. 17, 1831, p. 778.

United States of America, the same protection: and shall be allowed, the free exercise of their religion in public or in private, either within their own houses, or in the Chapels or places of worship set apart for that purpose.

ARTICLE 16th

It shall be lawful for the Citizens of the United States of America, and of the United Mexican States respectively to sail with their Vessels with all manner of security and liberty, no distinction being made who are the owners of the Merchandize laden thereon, from any port to the places of those who now are, or may hereafter be at enmity, with the United States of America or with the United Mexican States. It shall likewise be lawful for the aforesaid Citizens respectively to sail with their Vessels and Merchandize, beforementioned and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party without any opposition or disturbance whatsoever, not only directly from the places, of the enemy beforementioned to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the Jurisdiction of the same Government or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that every thing shall be deemed free and exempt, which shall be found on board the Vessels belonging to the Citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free Vessel, so that although they be enemies to either party they shall not be made prisoners or taken out of that free Vessel, unless they are Soldiers and in the actual service of the enemy. By the stipulation that the flag shall cover the property the two contracting parties agree that this shall be so understood, with respect to those powers who recognize this principle; but if either of the two contracting parties shall be at War with a third party and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle and not of others.

ARTICLE 17th

It is likewise agreed that in the case where the Neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation it shall always be understood, that the neutral property found on board such enemies vessels shall be held and considered as enemies property, and as such shall be liable to detention, and confiscation, except such property as was put on board such vessel before the declaration of War, or even afterwards if it were done without the knowledge of it: but the contracting parties agree that four months having elapsed after the decla-

ration their Citizens shall not plead ignorance thereof; On the contrary if the flag of the neutral does not protect the enemy's property in that case the goods and Merchandizes embarked in such Enemy's Vessel shall be free.

ARTICLE 18th

This liberty of Commerce and Navigation shall extend to all kinds of Merchandize excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended, first Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, Rifles, carbines, pistols, pikes, swords, Sabres, lances, spears, halberts; and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms: secondly buckles, helmets, breastplates, coats of mail, infantry belts, and clothes, made up in a military form and for a military use; thirdly cavalry belts and horses with their furniture; fourthly and generally, all kinds of arms, and instruments of iron, steel, brass and Copper or of any other materials manufactured, prepared and formed expressly to make War by Sea or Land.

ARTICLE 19th

All other Merchandize and things not comprehended in the articles of contraband expressly enumerated and classified as above, shall be held and considered as free and subjects of free and lawful Commerce, so that they may be carried and transported, in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in that particular it is declared that those places only are besieged or blockaded, which are actually besieged or blockaded by a belligerent force capable of preventing the entry of the Neutral.

ARTICLE 20th

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port shall be subject to detention and confiscation, leaving free the rest of the Cargo and the vessel, that the owners may dispose of them as they see proper. No vessels of either of the two nations shall be detained on the high Seas on account of having on board articles of contraband whenever the Master Captain or Supercargo of said vessel will deliver up the articles of contraband to the Captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing vessel without great inconvenience; but in this and in all other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and Judgement according to Law.

ARTICLE 21st

And whereas it frequently happens that Vessels, sail for a port or place belonging to an enemy without knowing that the same is besieged blockaded or invested, it is agreed that every Vessel so situated may be turned away from such port or place, but shall not be detained, nor shall any part of her Cargo if not contraband be confiscated, unless after warning of such blockade or investment from the commanding officer of the blockading force she should again attempt to enter the aforesaid port; but she shall be permitted to go to any other port or place she may think proper. Nor shall any Vessel of either of the contracting parties that may have entered into such port before the same was actually besieged, blockaded or invested by the other be restrained from quitting such place with her Cargo; nor if found therein after the surrender shall such Vessel or her Cargo be liable to confiscation, but she shall be restored to the owner thereof.

ARTICLE 22nd

In order to prevent all kinds of disorder in the visiting and examination of the Vessels and Cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a Vessel of War public or private should meet with a neutral Vessel of the other contracting party, the first shall remain out of cannon shot, and may send his boat with two or three men only in order to execute the said examination of the papers concerning the ownership and Cargo of the Vessel, without causing the least extortion violence or ill treatment for which the Commanders of the said Armed Vessels shall be responsible with their persons and property; and for this purpose the Commanders of said private armed Vessels shall before receiving their Commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case, be required to go on board the examining Vessel for the purpose of exhibiting his papers or for any other purpose whatsoever.

ARTICLE 23rd

To avoid all kinds of vexation and abuse in the examination of papers relating to the ownership of Vessels belonging to the Citizens of the two Contracting parties, they have agreed, and do agree, that in case one of them should be engaged in War, the Vessels belonging to the Citizens of the other, must be furnished with Sea letters or passports, expressing the name property and bulk of the Vessel, and also the name and place of habitation of the Master or Commander of said Vessel in order that it may thereby appear that the said Vessel really and truly belongs to the Citizens of one of the contracting parties; they have likewise agreed that such Vessels being laden, besides the said Sea letters or passports, shall also be provided with Certificates, containing the several particulars of the Cargo, and the place whence the vessel sailed, so that it may be known whether any forbidden or contraband goods be on board

the same: which Certificate shall be made out by the Officers of the place whence the Vessel sailed, in the accustomed form, without which requisites the said Vessel may be detained, to be adjudged by the competent Tribunal, and may be declared legal prize, unless the said defect shall be satisfied or supplied by testimony entirely equivalent to the satisfaction of the competent Tribunal.

ARTICLE 24th

It is further agreed, that the stipulations above, expressed relative to visiting and examination of Vessels, shall apply only to those which sail without convoy, and when said Vessels are under convoy, the verbal declaration of the Commander of the Convoy or his word of honor that the Vessels under his protection belong to the Nation whose flag he carries, and when they are bound to an enemy's port that they have no Contraband goods on board shall be sufficient.

ARTICLE 25th

It is further agreed that in all cases the established Courts for prize causes, in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any Vessel, or goods, or property claimed by the Citizens of the other party, the sentence or decree shall mention, the reason or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree in conformity with the laws and usages of the Country, and of all the proceedings of the case shall if demanded be delivered to the Commander or Agent of said Vessel without any delay he paying the legal fees for the same.

ARTICLE 26th

For the greater security of the intercourse between the Citizens of the United States of America and of the United Mexican States it is agreed now for then, that if there should be at any time hereafter an interruption of the friendly relations which now exist, or a war unhappily break out between the two contracting parties, there shall be allowed the term of six months to the merchants, residing on the coast, and one year to those residing in the interior of the States and Territories of each other respectively to arrange their business, dispose of their effects or transport them wheresoever they may please, giving them a safe conduct to protect them to the port they may designate. Those Citizens who may be established in the States and Territories aforesaid exercising any other occupation or trade, shall be permitted to remain in the uninterrupted enjoyment of their liberty and property, so long as they conduct themselves peaceably, and do not commit any offence against the laws, and their goods and effects of whatever class and condition they may be, shall not be subject to any embargo or sequestration whatever nor to any charge nor tax other than may be established upon similar goods and effects belonging to the Citizens of the State in which they reside respectively;

nor shall the debts between individuals, nor monies in the public funds, or in public or private banks nor shares in Companies, be confiscated embargoed or detained.

ARTICLE 27th

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse have agreed and do agree to grant to the Envoys, Ministers, and other public Agents, the same favors, immunities and exemptions which those of the most favored nation do or may enjoy; it being understood that whatever favors immunities or privileges the United States of America or the United Mexican States may find proper to give to the Ministers and public agents of any other power shall by the same Act be extended to those of each of the contracting parties.

ARTICLE 28th

In order that the Consuls and Vice Consuls of the two contracting parties may enjoy the rights prerogatives and immunities which belong to them by their character they shall before entering upon the exercise of their functions, exhibit their Commission or patent in due form to the Government to which they are accredited; And having obtained their Exequatur they shall be held and considered as such by all the authorities magistrates and inhabitants of the Consular district in which they reside. It is agreed likewise to receive and admit Consuls and Vice Consuls in all the ports and places open to foreign Commerce, who shall enjoy therein all the rights prerogatives and immunities of the Consuls and Vice Consuls of the most favored Nation, each of the contracting parties remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice Consuls may not seem expedient.

ARTICLE 29th

It is likewise agreed that the Consuls, Vice Consuls their Secretaries officers and persons attached to the service of Consuls they not being Citizens of the Country in which the Consul resides, shall be exempt from all compulsory public service, and also from all kinds of taxes, imposts and contributions levied specially on them except those which they shall be obliged to pay on account of Commerce, or their property to which the Citizens and inhabitants native and foreign of the Country in which they reside are subject; being in every thing besides subject, to the Laws of their respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE 30th

The said Consuls shall have power to require the assistance of the authori-

ties of the country for the arrest detention and custody of deserters from the public and private vessels of their Country; and for that purpose they shall address themselves to the Courts, Judges and Officers competent, and shall demand the said deserters in writing, proving by an exhibition of the register of the vessel, or Ships roll, or other public documents, that the man or men demanded were part of said Crews; and on this demand so proved (saving always where the contrary is proved) the delivery shall not be refused. Such deserters when arrested shall be placed at the disposal of the said Consuls, and may be put in the public prisons at the request and expence of those who reclaim them, to be sent to the Vessels to which they belonged, or to others of the same Nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause.

ARTICLE 31st

For the purpose of more effectually protecting their Commerce and Navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice Consuls of the respective parties.

ARTICLE 32^d

For the purpose of regulating the interior Commerce between the frontier territories of both Republics it is agreed, that the Executive of each shall have power by mutual agreement of determining on the route and establishing the roads by which such Commerce shall be conducted; and in all cases where the Caravans employed in such commerce may require convoy and protection by military escort, the Supreme Executive of each nation shall by mutual agreement in like manner fix on the period of departure for such Caravans and the point at which the military escort of the two nations shall be exchanged. And it is further agreed that untill the regulations for governing this interior commerce between the two nations shall be established, that the Commercial intercourse between the State of Missouri of the United States of America and New Mexico in the United Mexican States shall be conducted as heretofore, each Government affording the necessary protection to the Citizens of the other.

ARTICLE 33rd ¹⁰

It is likewise agreed that the two contracting parties shall by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the lands adjacent to the lines and Rivers which form the boundaries of the two countries; and the better to attain this object both parties bind themselves expressly to restrain by force all hostilities and incur-

¹⁰ Art. 33 abrogated by treaty of Dec. 30, 1853 (TS 208, *post*, p. 812).

sions on the part of the Indian nations living within their respective boundaries so that the United States of America will not suffer their Indians to attack the Citizens of the United Mexican States, nor the Indians inhabiting their Territory; nor will the United Mexican States permit the Indians residing within their Territories to commit hostilities against the Citizens of the United States of America, nor against the Indians residing within the limits of the United States, in any manner whatever.

And in the event of any person or persons captured by the Indians who inhabit the Territory of either of the contracting parties, being or having been carried into the Territories of the other, both Governments engage and bind themselves in the most solemn manner to return them to their country as soon as they know of their being within their respective Territories, or to deliver them up to the Agent or Representative of the Government that claims them, giving to each other reciprocally timely notice, and the claimant paying the expences incurred in the transmission and maintenance of such person or persons who in the mean time shall be treated with the utmost hospitality by the local authorities of the place where they may be. Nor shall it be lawful under any pretext whatever for the Citizens of either of the contracting parties, to purchase or hold captive prisoners made by the Indians, inhabiting the Territories of the other.

ARTICLE 34th 11

The United States of America and the United Mexican States desiring to

¹¹ Pursuant to protocol of Dec. 17, 1831 (for text, see p. 779), art. 34 of the treaty as signed was deleted and art. 35 renumbered 34. The original art. 34 reads as follows:

"It is likewise agreed that in the case of any slave or Slaves escaping from their owners residing in the states or territories of one of the contracting parties and passing over into the States and territories of the other, it shall be lawful for the owner or owners of such slave or slaves or their lawful agents to require the assistance of the authorities of the country where such slave or slaves may be found for their arrest detention and custody; and for that purpose the proprietors or their agents shall address themselves to the nearest magistrate or competent officer. On such demand being made it shall be the duty of the Magistrate or Competent Officer to cause the said slaves to be arrested and detained; and if it shall appear that such slave or slaves be actually the property of the claimant the Magistrate or competent Officer shall, surrender he she or them to the proprietor or proprietors his her or their Agents to be conveyed back to the Country from whence the slave or slaves had escaped, the claimant or claimants paying the expences incurred in the arrest, detention and custody of such slave or slaves and none other. And it is further agreed by the contracting parties that on mutual requisitions by them, respectively or by their respective Ministers or Officers authorised to make the same, they will deliver up to justice all persons who being charged with murder or forgery committed within the jurisdiction of either shall seek an asylum within any of the Territories of the other; provided that this shall be done only on such evidence of criminality, as according to the laws of the place where the fugitive or person so charged, shall be found would justify his apprehension or commitment for trial, if the offence had been there committed. The expense of such apprehension and delivery shall be defrayed by those who make the requisition and receive the Fugitive.

"And it is hereby agreed that the demand allowed by this article for fugitive slaves and malefactors shall in all cases be made within the period of one year from the date of such slave or malefactor having taken refuge within the Jurisdiction of the other party, after which time they will be entirely free."

make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this Treaty or General convention of Amity commerce and Navigation have declared solemnly and do agree to the following points.

First. The present Treaty shall remain and be of force for eight years from the day of the exchange of the ratifications and untill the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; Each of the Contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of Eight years; and it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either of the parties from the other party, this Treaty in all its parts, relating to Commerce and Navigation shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both the Contracting parties.

Secondly. If any one or more of the Citizens of either party shall infringe any of the articles of this Treaty, such Citizens shall be held personally responsible for the same; and the harmony and good correspondence between the two Nations shall not be interrupted thereby: each party engaging in no way to protect the offender or sanction such violation.

Thirdly. If (what indeed cannot be expected) any of the articles contained in the present Treaty shall be violated or infringed in any manner whatever, it is stipulated that neither of the contracting parties will order or authorise any acts of reprisal nor declare War against the other on complaints of injuries or damages, untill the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages verified by competent proofs, and demanded justice and satisfaction and the same shall have been either refused or unreasonably delayed.

Fourthly. Nothing in this Treaty contained shall however be construed to operate contrary to former and existing public Treaties with other Sovereigns or States. The present Treaty of Amity, Commerce, and Navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Vice President of the United Mexican States with the consent and approbation of the Congress thereof; and the ratifications shall be exchanged in the City of Washington, within the term of one year to be counted from the date of the signature hereof or sooner if possible.

In witness whereof we the Plenipotentiaries of the United States of America and of the United Mexican States have signed and sealed these presents. Done in the City of Mexico on the fifth day of April in the year of our Lord

One thousand eight hundred and thirty one, in the fifty fifth year of the Independence of the United States of America, and in the eleventh of that of the United Mexican States.

A. BUTLER [SEAL]

LUCAS ALAMAN [SEAL]

RAFAEL MANGINO

ADDITIONAL ARTICLE ¹²

1st

Whereas in the present state of the Mexican Shipping it would not be possible for Mexico to receive the full advantage of the reciprocity established in the fifth and sixth articles of the Treaty signed this day, it is agreed that for the term of six years the stipulations contained in the said articles shall be suspended; and in lieu thereof it is hereby agreed, that untill the expiration of the said term of six years American Vessels entering into the ports of Mexico, and all articles the produce growth or manufacture of the United States of America imported in such Vessels shall pay no other or higher duties, than are or may hereafter be payable in the said ports by the Vessels and the like articles the growth produce or manufacture of the most favored nation; and reciprocally it is agreed that Mexican Vessels entering into the ports of the United States of America and all articles the growth produce or manufacture of the United Mexican States imported in such Vessels shall pay no other or higher duties than are or may hereafter be payable in the said ports by the Vessels and the like articles, the growth produce or manufacture of the most favored nation; and that no higher duties shall be paid or bounties or drawbacks allowed on the exportation of any article the growth produce or manufacture of either country in the Vessels of the other than upon the exportation of the like articles in the Vessels of any other foreign Country.

The present additional article shall have the same force and value as if it had been inserted word for word in the Treaty signed this day. It shall be ratified and the ratification shall be exchanged at the same time.

¹² Pursuant to protocol of Dec. 17, 1831 (for text, see p. 779), the second additional article contained in the treaty as signed was deleted. It reads as follows:

"For the purpose of giving an equal share of the reciprocal advantages mentioned in this Treaty to the Mexican Shipping, it is agreed that all Vessels shall be considered as Mexican Vessels, that are *bona fide* the property of a Mexican Citizen, and whose Commander and half the Crew are Mexicans, without regard to the place or Country in which such Vessel may have been built."

In witness whereof we the respective Plenipotentiaries have signed and Sealed the same. Done at Mexico on the fifth day of April One thousand Eight hundred and thirty One.

A. BUTLER [SEAL]

LUCAS ALAMAN [SEAL]

RAFAEL MANGINO

PROTOCOL OF A CONFERENCE HAD ON THE 17th OF SEPTEMBER 1831. BETWEEN ANTHONY BUTLER, PLENIPOTENTIARY ON THE PART OF THE UNITED STATES OF AMERICA, AND THEIR EXCELLENCY'S LUCAS ALAMAN AND RAPHAEL MANGINO, PLENIPOTENTIARIES FOR THE UNITED MEXICAN STATES.

The Undersigned Plenipotentiaries having assembled in the Office of the Secretary of State for foreign affairs proceeded to consider the articles 7th and 13th of the Treaty of Amity, commerce and navigation concluded by the undersigned Plenipotentiaries, and also that part of the 3d article of the said Treaty contained in the following words, "to trade therein in all sorts of produce, manufactures and merchandize"; These articles 7th and 13th and that part of the 3d abovementioned having been suspended by the Chamber of Deputies of the Congress of the United Mexican States, untill the undersigned shall have determined upon the construction which the said articles shall receive in regard to the rights of Commerce that may be enjoyed by the citizens of each of the high contracting parties. After free and mature deliberation, the undersigned have agreed that the construction to be given to the above mentiond articles, shall in no manner restrain the power possessed by each nation respectively of regulating sales by retail of goods, wares and merchandize within their respective States and Territories. And to remove all doubts as to the object designed to be effected by the said Treaty in regard to the several branches which it embraces, The Plenipotentiaries agree that the abovementioned articles so far as they relate to the Commercial intercourse conductd by the citizens of their respective Countries, it shall be reciprocal and equal reserving however to the United States of America, and to the United Mexican States, full power and entire liberty to regulate commerce of retail, by means of their respective Legislatures in conformity with what each party may consider as the interest of their own citizens, without being restrained by any stipulation contained in the abovementioned Treaty of Amity, Commerce, and Navigation, provided that the Measures adopted by the Legislature of either party, shall be general in their operations and extend equally to the subjects and Citizens of all other nations who maintain Commercial relations with the high contracting parties in conformity with the principle of "*the most favoured Nation*" establishd as a reciprocal basis in the Treaty of amity, commerce and navigation concluded by the under-

signed Plenipotentiaries and signed on the 5th April of the present year, and of which Treaty the abovemention^d articles 3d, 7th and 13. form a part.

In testimony of which the undersign^d have subscribed the present protocol in Mexico on the 17th Sept^{er} in the year 1831.

A. BUTLER

LUCAS ALAMAN

RAFAEL MANGINO

PROTOCOL OF A CONFERENCE HELD BY THEIR EXCELLENCIES THE SECRETARIES OF STATE FOR HOME AND FOREIGN AFFAIRS, AND OF THE TREASURY, AND ANTHONY BUTLER, CHARGÉ D'AFFAIRES OF THE UNITED STATES OF AMERICA, PLENIPOTENTIARIES RESPECTIVELY OF THESE STATES AND OF THOSE; FOR THE CELEBRATION OF TREATIES OF AMITY, COMMERCE NAVIGATION AND BOUNDARY BETWEEN BOTH REPUBLICS, THE 17th OF DEC^R 1831

On the 17th of Decb^r 1831, their Excellencies, Lucas Alaman, Secretary of State for Home and Foreign Affairs, and Raphael Mangino, Secretary of the Treasury, Plenipotentiaries appointed by the Vice President, in exercise of the executive power of these States, for the celebration of Treaties of Amity, Commerce and Navigation, and for the adjustment of a boundary with the United States of America, and Anthony Butler, Chargé d'Affaires of the said States, and Plenipotentiary appointed, for the same object, by the President of the said States, having met in the Office of the Secretary for Home and Foreign Affairs, the two former set forth, that the Treaty of Amity, Commerce and navigation, celebrated in this Capital by the undersigned Plenipotentiaries on the fifth of April of the present year, being approved by both Chambers of the General Congress of these States, with the exception of the 34th article, on the approval of which difficulties have occurred, that have caused the deliberation respecting it to be suspended and of the second additional article, which has been disapproved, having been considered unnecessary; and the additional article of the Treaty of Boundary, celebrated the 5th of April last, being also approved, the extraordinary Sessions of Congress had been closed, without a communication to the Executive of the decree of approbation withheld solely by the difficulties which have occurred only with respect to the said 34th article; and the Plenipotentiaries, having conferred at large upon the particular, desirous on the one part and on the other, that no hindrance should be put to the conclusion of treaties, which, drawing closer the friendly relations that happily unite the two Republics, are equally beneficial to both, they agreed that, to remove every obstacle which might embarrass the attainment of this desired end, the before mentioned 34th article ought to be separated from the Treaty of

Amity, Commerce and Navigation, it not having any necessary Connection with the other Stipulations of the said Treaty, and, in the place of it, ought to be substituted the 35th article, which would then become, by numerical order, the 34th and the last; and that, besides, in the copy which should be made for the exchange of ratifications and the publication of the Treaty, the second additional article which has been disapproved by the Congress of these States, should be suppressed.

And it having been thus agreed and settled, for the due and suitable proof of the same, it was equally settled that this Protocol should be written in duplicate, and be signed by the plenipotentiaries; which they did accordingly in the day, month and year already mentioned.

A. BUTLER

LUCAS ALAMAN

RAFAEL MANGINO